



# புதுச்சேரி மாநில அரசிதழ்

## La Gazette de L'État de Poudouchéry The Gazette of Puducherry

### PART - I

#### சிறப்பு வெளியீடு

#### EXTRAORDINAIRE

#### EXTRAORDINARY

அதிகாரம் பெற்ற  
வெளியீடு

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#### GOVERNMENT OF PUDUCHERRY LAW DEPARTMENT

No. 2/2009-LD.

Puducherry, the 3rd April 2009.

#### NOTIFICATION

The following Acts passed by the Parliament are hereby republished for general information of the public.

- The Sugar Development Fund (Amendment) Act, 2008 (Act No. 4 of 2008) ;
- The Delimitation (Amendment) Act, 2008 (Act No. 9 of 2008) ;
- The Representation of the People (Amendment) Act, 2008 (Act No. 10 of 2008) ;
- The Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2008 (Act No. 12 of 2008) ;
- The Food Safety and Standards (Amendment) Act, 2008 (Act No. 13 of 2008) ;
- The Maternity Benefit (Amendment) Act, 2008 (Act No. 15 of 2008); and
- The Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act, 2008 (Act No. 19 of 2008).

JOHN CLAUDE POMPEI MARIADASSOU,  
Law Secretary to Government.

## THE SUGAR DEVELOPMENT (AMENDMENT) ACT, 2008

(Act No. 4 of 2008)

[18-3-2008]

AN

ACT

*further to amend the Sugar Development Fund Act, 1982 and the Sugar Cess Act, 1982.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title and  
commencement.**1. (1)** This Act may be called the Sugar Development Fund (Amendment) Act, 2008.**(2)** It shall be deemed to have come into force on the 5th day of February, 2008.Amendment of  
section 4.**2. In the Sugar Development Fund Act, 1982, in section 4, in sub-section (1), after clause (bbb), the following clause shall be inserted, namely:—** 4 of 1982.

“(bbbb) for defraying expenditure for the purpose of financial assistance to sugar factories towards interest on loans given in terms of any scheme approved by the Central Government from time to time.”.

Amendment of  
section 3.**3. In the Sugar Cess Act, 1982, in section 3, in sub-section (1),—** 3 of 1982.

**(a)** for the words “fifteen rupees”, the words “twenty-five rupees” shall be substituted;

**(b)** the proviso shall be omitted.

Repeal and saving

**4. (1) The Sugar Development Fund (Amendment) Ordinance, 2008, is hereby repealed.** Ord. 4 of 2008.

**(2) Notwithstanding such repeal, anything done or any action taken under the Sugar Development Fund Act, 1982 and the Sugar Cess Act, 1982 as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts, as amended by this Act.** 4 of 1982.  
3 of 1982.

## THE DELIMITATION (AMENDMENT) ACT, 2008

(Act No. 9 of 2008)

[28-3-2008]

AN

ACT

*further to amend the Delimitation Act, 2002.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title and  
commencement.**1. (1)** This Act may be called the Delimitation (Amendment) Act, 2008.**(2)** It shall be deemed to have come into force on the 14th day of January, 2008.Amendment of  
section 10.**2. In section 10 of the Delimitation Act, 2002 (hereinafter referred to as the principal Act),—** 33 of 2002.

**(i)** in sub-section (4), the following proviso shall be inserted, namely:—

“Provided that nothing in this sub-section shall apply to the delimitation orders published in relation to the State of Jharkhand.”;

**(ii)** in sub-section (6), for the words “within two years of the constitution of the Commission”, the words “within a period not later than 31st day of July, 2008” shall be substituted.

3. After section 10 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 10A and 10B.

“10A. (1) Notwithstanding anything contained in sections 4, 8 and 9, if the President is satisfied that a situation has arisen whereby the unity and integrity of India is threatened or there is a serious threat to the peace and public order, he may, by order, defer the delimitation exercise in a State.

Deferment of delimitation in certain cases.

(2) Every order made under this section shall be laid before each House of Parliament.

10B. Notwithstanding anything contained in sub-section (2) of section 10, the final orders relating to readjustment of number of seats and delimitation of constituencies in respect of the State of Jharkhand published under the said section *vide* Order O.N. 63(E), dated 30th April, 2007 and O.N. 110(E), dated 17th August, 2007 shall have no legal effect and the delimitation of the constituencies as it stood before the publication of the said Orders shall continue to be in force until the year 2026 in relation to every election to the House of the People or to the Legislative Assembly, as the case may be, held after the commencement of the Delimitation (Amendment) Act, 2008.”.

Delimitation Commission's order with respect to the State of Jharkhand not to have any legal effect.

Ord. 1 of 2008.

4. (1) The Delimitation (Amendment) Ordinance, 2008 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

## THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 2008

(Act No. 10 of 2008)

[28-3-2008]

AN

ACT

*further to amend the Representation of the People Act, 1950.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2008.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

43 of 1950.

2. In section 4 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act), for sub-section (5), the following sub-section shall be substituted, namely:—

Amendment of section 4.

33 of 2002.

“(5) Save as provided in sub-section (4), the extent of all parliamentary constituencies except the parliamentary constituencies in the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland shall be as determined by the orders of the Delimitation Commission made under the provisions of the Delimitation Act, 2002 and the extent of the parliamentary constituencies in the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland shall be as provided for in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 having regard to the provisions of sections 10A and 10B of the Delimitation Act, 2002.”.

3. In section 7 of the principal Act,—

Amendment of section 7.

(i) in sub-section (1B), in clause (a), for the words “thirty-nine seats”, the words “fifty-nine seats” shall be substituted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The extent of each assembly constituency in all the States and Union Territories except the assembly constituencies in the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland shall be as determined by the orders of the Delimitation Commission made under the provisions of the Delimitation Act, 2002 and the extent of each assembly constituency in the States of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland shall be as provided for in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 having regard to the provisions of sections 10A and 10B of the Delimitation Act, 2002."

33 of 2002.

Amendment of  
section 8.

4. In section 8 of the principal Act,—

(f) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Having regard to all the orders referred to in sub-section (5) of section 4 and sub-section (3) of section 7 relating to the delimitation of parliamentary and assembly constituencies in all States and Union Territories, except the State of Arunachal Pradesh, Assam, Jharkhand, Manipur and Nagaland, made by the Delimitation Commission and published in the Official Gazette, the Election Commission shall—

(a) after making such amendments as appear to it to be necessary for bringing up-to-date the description of the extent of the parliamentary and assembly constituencies as given in such orders, without, however, altering the extent of any such constituency;

(b) after taking into account the provisions of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, as made applicable pursuant to the orders made by the President under section 10A of the Delimitation Act, 2002 relating to delimitation of parliamentary and assembly constituencies in the States of Arunachal Pradesh, Assam, Manipur and Nagaland, and the provisions of section 10B of the said Act relating to delimitation of parliamentary and assembly constituencies in the State of Jharkhand,

33 of 2002.

consolidate all such orders into one single order to be known as the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 and shall send authentic copies of that Order to the Central Government and to the Government of each State having a Legislative Assembly; and thereupon that Order shall supersede all the orders referred to in sub-section (3) of section 4 and sub-section (3) of section 7 and shall have the force of law and shall not be called in question in any court."

(ii) in sub-section (3), for the words, brackets and figures "as provided in sub-section (5) of section 10 of the Delimitation Act, 1972", the words, brackets and figures "as provided in sub-section (5) of section 10 of the Delimitation Act, 2002" shall be substituted.

76 of 1972.

33 of 2002.

Insertion of new  
section 8A.

Delimitation of  
Parliamentary and  
Assembly  
Constituencies in  
the State of  
Arunachal Pradesh,  
Assam, Manipur or  
Nagaland.

5. After section 8 of the principal Act, the following section shall be inserted, namely:—

"8A. (1) If the President is satisfied that the situation and the conditions prevailing in the State of Arunachal Pradesh, Assam, Manipur or Nagaland are conducive for the conduct of delimitation exercise, he may, by order, rescind the deferment order issued under the provisions of section 10A of the Delimitation Act, 2002 in relation to that State, and provide for the conduct of delimitation exercise in the State by the Election Commission.

33 of 2002.

(2) As soon as may be after the deferment order in respect of a State is rescinded under sub-section (1), the Election Commission may, by order, determine—

(a) the parliamentary constituencies into which such State to which more than one seat is allotted in the First Schedule shall be divided;

(b) the extent of each constituency; and

(c) the number of seats, if any, reserved for the Scheduled Castes or the Scheduled Tribes.

(3) As soon as may be after the deferment order in respect of a State is rescinded under sub-section (1), the Election Commission may, by order, determine—

(a) the assembly constituencies into which such State shall be divided for the purpose of elections to the Legislative Assembly of that State;

(b) the extent of each constituency; and

(c) the number of seats, if any, reserved for the Scheduled Castes or the Scheduled Tribes.

(4) Subject to the provisions of sub-section (1), the Election Commission shall, having regard to the provisions of the Constitution and the principles specified in clauses (c) and (d) of sub-section (1) of section 9 of the Delimitation Act, 2002 determine the parliamentary and assembly constituencies in the States of Arunachal Pradesh, Assam, Manipur and Nagaland in which seats shall be reserved, if any, for the Scheduled Castes and the Scheduled Tribes.

(5) The Election Commission shall,—

(a) publish its proposals under sub-sections (2), (3) and (4) with respect to any State in the Official Gazette and also in such other manner as it thinks fit;

(b) specify a date on or after which the proposals will be further considered by it;

(c) consider all objections and suggestions which may have been received by it before the date so specified;

(d) hold, for the purpose of such consideration, if it thinks fit so to do, one or more public sittings at such place or places in such State as it thinks fit;

(e) after considering all objections and suggestions which may have been received by it before the date so specified, determine, by order, the delimitation of parliamentary and assembly constituencies in the State and also the constituency or constituencies in which seats shall be reserved, if any, for the Scheduled Castes and the Scheduled Tribes and cause such order to be published in the Official Gazette; and, upon such publication, the order shall have the force of law and shall not be called in question in any court and the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 shall be deemed to have been amended accordingly.

(6) Every order made under sub-sections (1) and (2) and clause (e) of sub-section (5) shall be laid before each House of Parliament.

(7) Every order made under sub-sections (1) and (3) and clause (e) of sub-section (5) shall, as soon as may be after it is published under that sub-section, be laid before the Legislative Assembly of the State concerned.”.

6. In section 9 of the principal Act, in sub-section (1), for clauses (a) and (aa), the following clauses shall be substituted, namely:—

“(a) correct any printing mistake in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 or any error arising therein from inadvertent slip or omission;

Amendment of  
section 9.

(aa) make such amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 2008 as appear to it to be necessary or expedient for consolidating with that Order any notification or order relating to delimitation of Parliamentary or assembly constituencies (including reservation of seats for the Scheduled Castes or the Scheduled Tribes in such constituencies) issued under section 8A of this Act or any other Central Act;".

Omission of sections 9A and 9B.

7. Section 9A and section 9B of the principal Act shall be omitted.

Substitution of new Schedules for the First Schedule and the Second Schedule.

8. For the First Schedule and the Second Schedule of the principal Act, the following Schedules shall be substituted, namely:—

### "THE FIRST SCHEDULE

(See section 3)

#### *Allocation of seats in the House of the People*

Name of the State/Union Territory	Number of seats in the House as constituted in 2004 on the basis of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as amended from time to time			Number of seats in the House as subsequently constituted as per the Delimitation of Parliamentary and Assembly Constituencies Order, 2008		
	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes
1	2	3	4	5	6	7
<b>I. STATES:</b>						
1. Andhra Pradesh	42	6	2	42	7	3
2. Arunachal Pradesh	2	..	..	2	..	..
3. Assam	14	1	2	14	1	2
4. Bihar	40	7	..	40	6	..
5. Chhattisgarh	11	2	4	11	1	4
6. Goa	2	..	..	2	..	..
7. Gujarat	26	2	4	26	2	4
8. Haryana	10	2	..	10	2	..
9. Himachal Pradesh	4	1	..	4	1	..
10. Jammu and Kashmir	6	..	..	6	..	..
11. Jharkhand	14	1	5	14	1	5
12. Karnataka	28	4	..	28	5	2
13. Kerala	20	2	..	20	2	..
14. Madhya Pradesh	29	4	5	29	4	6
15. Maharashtra	48	3	4	48	5	4
16. Manipur	2	..	1	2	..	1
17. Meghalaya	2	..	..	2	..	2
18. Mizoram	1	..	1	1	..	1
19. Nagaland	1	..	..	1	..	..
20. Orissa	21	3	5	21	3	5

	1	2	3	4	5	6	7
21.	Punjab	13	3	..	13	4	..
22.	Rajasthan	25	4	3	25	4	3
23.	Sikkim	1	..	..	1	..	..
24.	Tamil Nadu	39	7	..	39	7	..
25.	Tripura	2	..	1	2	..	1
26.	Uttarakhand	5	..	..	5	1	..
27.	Uttar Pradesh	80	18	..	80	17	..
28.	West Bengal	42	8	2	42	10	2
<b>II. UNION TERRITORIES:</b>							
1.	Andaman and Nicobar Islands	1	..	..	1	..	..
2.	Chandigarh	1	..	..	1	..	..
3.	Dadra and Nagar Haveli	1	..	1	1	..	1
4.	Delhi	7	1	..	7	1	..
5.	Daman and Diu	1	..	..	1	..	..
6.	Lakshadweep	1	..	1	1	..	1
7.	Puducherry	1	..	..	1	..	..
<b>TOTAL:</b>		<b>343</b>	<b>79</b>	<b>41</b>	<b>343</b>	<b>84</b>	<b>47</b>

**THE SECOND SCHEDULE**

(See sections 7 and 7A)

*Total number of seats in the Legislative Assemblies*

Name of the State/ Union Territory		Number of seats in the House as constituted on the basis of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 as amended from time to time			Number of seats in the House as subsequently constituted as per the Delimitation of Parliamentary and Assembly Constituencies Order, 2008		
		Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes	Total	Reserved for the Scheduled Castes	Reserved for the Scheduled Tribes
1		2	3	4	5	6	7
<b>1. STATES:</b>							
1.	Andhra Pradesh	294	39	13	294	48	19
2.	Arunachal Pradesh	60	..	39	60	..	59
3.	Assam	126	8	16	126	8	16
4.	Bihar	243	39	..	243	38	2
5.	Chhattisgarh	90	10	34	90	10	29
6.	Goa	40	1	..	40	1	..
7.	Gujarat	182	13	26	182	13	27
8.	Haryana	90	17	..	90	17	..
9.	Himachal Pradesh	68	16	3	68	17	3
10.	Jammu and Kashmir*	76	6	..	..	..	..
11.	Jharkhand	81	9	28	81	9	28
12.	Karnataka	224	33	2	224	36	15

	1	2	3	4	5	6	7
13.	Kerala	140	13	1	140	14	2
14.	Madhya Pradesh	230	34	41	230	35	47
15.	Maharashtra	288	18	22	288	29	25
16.	Manipur	60	1	19	60	1	19
17.	Meghalaya	60	..	55	60	..	55
18.	Mizoram	40	..	39	40	..	38
19.	Nagaland	60	..	59	60	..	59
20.	Orissa	147	22	34	147	24	33
21.	Punjab	117	29	..	117	34	..
22.	Rajasthan	200	33	24	200	34	25
23.	Sikkim	32	2	12**	32	2	12**
24.	Tamil Nadu	234	42	3	234	44	2
25.	Tripura	60	7	20	60	10	20
26.	Uttarakhand	70	12	3	70	13	2
27.	Uttar Pradesh	403	89	..	403	85	..
28.	West Bengal	294	59	17	294	68	16

#### II. UNION TERRITORIES:

1.	Delhi	70	13	..	70	12	..
2.	Puducherry	30	5	..	30	5	..

\*Under the Constitution of Jammu and Kashmir, the number of seats in the Legislative Assembly of that State excluding the 24 seats earmarked for Pakistan occupied territory is 87 out of which 7 seats have been reserved for the Scheduled Castes in pursuance of the Jammu and Kashmir Representation of the People Act, 1957.

\*\*Reserved 1 seat for Sanghas and 12 seats for the Sikkimese of Bhutia Lepcha origin.

### THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) AMENDMENT ACT, 2008

(Act No. 12 of 2008)

[28-3-2008]

AN

ACT

*further to amend the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2008.

(2) It shall be deemed to have come into force on the 7th day of February, 2008.

2. In section 6 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990,—

(a) for sub-section (1), the following shall be substituted, namely:—

"(1) The Chairman shall be Part-time Member and shall hold office for a term of three years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier:

25 of 1990.

Short title and  
commencement.

Amendment of  
section 6.



Provided that any person holding office as a Chairman immediately before the commencement of the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2008, shall, in so far as his appointment is inconsistent with the provisions of this sub-section, cease to hold office on such commencement as such Chairman and shall not be entitled to any compensation because of his ceasing to hold such office.";

(b) in sub-section (2), the words "The Executive Member," shall be omitted;

(c) after sub-section (2), the following shall be inserted, namely:—

"(2A) The Executive Member shall be a Whole-time Member and shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier:

Provided that any person holding office as an Executive Member immediately before the commencement of the Prasar Bharati (Broadcasting Corporation of India) Amendment Act, 2008, shall, in so far as his appointment is inconsistent with the provisions of this sub-section, cease to hold office on such commencement as such Executive Member and shall not be entitled to any compensation because of his ceasing to hold such office."

Ord. 5 of 2008.

3. (1) The Prasar Bharati (Broadcasting Corporation of India) Amendment Ordinance, 2008, is hereby repealed.

Repeal and saving.

25 of 1990.

(2) Notwithstanding such repeal, anything done or any action taken under the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act, as amended by this Act.

## THE FOOD SAFETY AND STANDARDS (AMENDMENT) ACT, 2008

(Act No. 13 of 2008)

[28-3-2008]

AN

ACT

*to amend the Food Safety and Standards Act, 2006.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Food Safety and Standards (Amendment) Act, 2008.

Short title and commencement.

(2) It shall be deemed to have come into force on the 7th day of February, 2008.

34 of 2006.

2. In the Food Safety and Standards Act, 2006 (hereinafter referred to as the principal Act), in section 3, in sub-section (1), for clause (ze), the following clause shall be substituted, namely:—

Amendment of section 3.

“(ze) “Member” includes a part-time Member and the Chairperson of the Food Authority;”.

3. In section 5 of the principal Act, for sub-sections (4) and (5), the following sub-sections shall be substituted, namely:—

Amendment of section 5.

“(4) The Chairperson and the Members including part-time Members other than the *ex officio* Members of the Food Authority may be appointed by the Central Government on the recommendations of the Selection Committee.

	(5) The Chairperson of the Food Authority shall not hold any other office.”	
Amendment of section 7.	4. In section 7 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely:— “Provided that the Chairperson shall not hold office as such after he has attained the age of sixty-five years.”	
Repeal and saving.	5. (1) The Food Safety and Standards (Amendment) Ordinance, 2008 is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.	Ord. 6 of 2008.

### THE MATERNITY BENEFIT (AMENDMENT) ACT, 2008

(Act No. 15 of 2008)

[1-4-2008]

AN

ACT

*further to amend the Maternity Benefit Act, 1961.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title and commencement.	1. (1) This Act may be called the Maternity Benefit (Amendment) Act, 2008. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.	
Substitution of new section for section 8.	2. In the Maternity Benefit Act, 1961, for section 8, the following section shall be substituted, namely:—	53 of 1961.
Payment of medical bonus.	“8. (1) Every woman entitled to maternity benefit under this Act shall also be entitled to receive from her employer a medical bonus of one thousand rupees, if no pre-natal confinement and post-natal care is provided for by the employer free of charge. (2) The Central Government may before every three years, by notification in the Official Gazette, increase the amount of medical bonus subject to the maximum of twenty thousand rupees.”	

### THE JAWAHARLAL INSTITUTE OF POST-GRADUATE MEDICAL EDUCATION AND RESEARCH, PUDUCHERRY ACT, 2008

#### ARRANGEMENT OF SECTIONS

#### SECTIONS

1. Short title and commencement.
2. Declaration of Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, as an institution of national importance.
3. Definitions.
4. Incorporation of Institute.

## SECTIONS

5. Composition of Institute.
6. Term of office of, and vacancies among members.
7. President of Institute, his powers and functions.
8. Allowances of President and members.
9. Meetings of Institute.
10. Governing Body and other committees of Institute.
11. Staff of Institute.
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13. Functions of Institute.
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15. Payment to Institute.
16. Fund of Institute.
17. Budget of Institute.
18. Accounts and audit.
19. Annual report.
20. Pension and provident funds.
21. Authentication of orders and instruments of Institute.
22. Acts and proceedings not to be invalidated by vacancies, etc.
23. Grant of medical degrees, diplomas, etc., by Institute.
24. Recognition of medical qualifications granted by Institute.
25. Control by Central Government.
26. Resolution of differences.
27. Returns and information.
28. Transfer of service of existing employees.
29. Power to make rules.
30. Power to make regulations.
31. Laying of rules and regulations before Parliament.
32. Power to remove difficulties.

THE JAWAHARLAL INSTITUTE OF POST-GRADUATE MEDICAL  
EDUCATION AND RESEARCH, PUDUCHERRY ACT, 2008

(Act No. 19 of 2008)

[16-5-2008]

AN

ACT

*to declare the Institution known as the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, to be an institution of national importance and to provide for its incorporation and matters connected therewith.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act, 2008.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Declaration of  
Jawaharlal Institute of  
Post-Graduate  
Medical Education and  
Research, Puducherry,  
as an institution of  
national importance.

Definitions.

2. Whereas the objects of the institution known as the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in the Union territory of Puducherry are such as to make the institution one of national importance, it is hereby declared that the institution known as the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry is an institution of national importance.

3. In this Act, unless the context otherwise requires,

(a) "Fund" means the Fund of the Institute referred to in section 16;

(b) "Governing Body" means the Governing Body of the Institute;

(c) "Institute" means the institution known as the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, incorporated under this Act;

(d) "member" means a member of the Institute;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "specified" means specified by regulations made under this Act.

Incorporation of  
Institute.

4. The Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, an Institute functioning under the Union Ministry of Health and Family Welfare, is hereby constituted a body corporate by the name aforesaid and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and shall, by that name, *sue and be sued*.

Composition of  
Institute.

5. (1) The Institute shall consist of the following members, namely:—

(a) Secretary to the Government of India in the Ministry or Department of Health and Family Welfare, *ex officio*;

(b) the Vice-Chancellor of the Puducherry University, *ex officio*;

(c) the Vice-Chancellor of the Tamil Nadu Dr. M.G.R. Medical University, Tamil Nadu, *ex officio*;

(d) the Director-General of Health Services, Government of India, *ex officio*;

(e) the Director of the Institute, *ex officio*;

(f) Chief Secretary, Government of Puducherry, *ex officio*;

(g) Secretary to the Government of India or his nominee (not below the rank of Joint Secretary) in the Department of Expenditure, Ministry of Finance, *ex officio*;

(h) Secretary to the Government of India or his nominee (not below the rank of Joint Secretary) in the Department of Higher Education, Ministry of Human Resource Development, *ex officio*;

(i) seven persons of whom one shall be a non-medical scientist representing the Indian Science Congress Association, to be nominated by the Central Government in such manner as may be prescribed;

(j) four representatives of the medical faculties of Indian Universities to be nominated by the Central Government in such manner as may be prescribed; and

(k) three Members of Parliament of whom two shall be elected from among themselves by the members of the House of the People and one from among themselves by the members of the Council of States.

(2) It is hereby declared that the office of member of the Institute shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Term of office  
of, and vacancies  
among members.

6. (1) Save as otherwise provided in this section, the term of office of a member shall be five years from the date of his nomination or election.

(2) The term of office of a member elected under clause (k) of sub-section (1) of section 5 shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister or the Speaker or the Deputy Speaker of Lok Sabha or the Deputy Chairman of Rajya Sabha or ceases to be a member of the House from which he was elected.

(3) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(4) The term of office of a member nominated or elected to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he is nominated or elected.

(5) An out-going member other than a member elected under clause (4) of sub-section (1) of section 5 shall continue in office until another person is nominated as a member in his place or for a period of three months, whichever is earlier:

Provided that the Central Government shall nominate a member in place of an out-going member within the said period of three months.

(6) An out-going member shall be eligible for re-nomination or re-election.

(7) A member may resign his office by writing under his hand addressed to the Central Government but he shall continue in office until his resignation is accepted by that Government.

(8) The manner of filling vacancies among members shall be such as may be prescribed.

7. (1) There shall be a President of the Institute who shall be nominated by the Central Government from among the members other than the Director of the Institute.

President of Institute, his powers and functions.

(2) The President shall exercise such powers and discharge such functions as are laid down in this Act or as may be prescribed.

8. The President and other members shall receive such allowances from the Institute as may be prescribed.

Allowances of President and members.

9. The Institute shall hold its first meeting at such time and place as may be appointed by the Central Government and shall observe such rules of procedure in regard to the transaction of business at the first meeting as may be laid down by that Government; and thereafter, the Institute shall meet at such times and places and observe such rules of procedure in regard to the transaction of business including quorum at its meetings as may be specified.

Meetings of Institute.

10. (1) There shall be a Governing Body of the Institute which shall be constituted by the Institute in such manner as may be specified:

Governing Body and other committees of Institute.

Provided that the number of persons who are not members of the Institute shall not exceed one-third of the total membership of the Governing Body.

(2) The Governing Body shall be the executive committee of the Institute and shall exercise such powers and discharge such functions as the Institute may specify in this behalf.

(3) The President of the Institute shall be the Chairperson of the Governing Body and as Chairperson thereof he shall exercise such powers and discharge such functions as may be specified.

(4) The procedure to be followed in exercise of its powers and discharge of its functions by the Governing Body, and the term of office of, and the manner of filling vacancies among the members of the Governing Body shall be such as may be specified.

(5) Subject to such control and restrictions as may be prescribed, the Institute may constitute as many standing committees and as many *ad hoc* committees as it thinks fit for exercising any power or discharging any function of the Institute or for inquiring into, or reporting or advising upon, any matter which the Institute may refer to them.

(6) The Chairperson and members of the Governing Body and the Chairperson and the members of a standing committee or an *ad hoc* committee shall receive such allowances, as may be specified.

11. (1) There shall be a chief executive officer of the Institute who shall be designated as the Director of the Institute and shall, subject to such rules as may be prescribed, be appointed by the Institute:

Staff of Institute.

Provided that the first Director of the Institute shall be appointed by the Central Government.

(2) The Director shall act as the Secretary to the Institute as well as the Governing Body.

(3) The Director shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

(4) The Director shall exercise such powers and discharge such functions as may be specified, or as may be delegated to him by the Institute or the President of the Institute or the Governing Body or the Chairperson of the Governing Body.

(5) Subject to such rules as may be prescribed, the Institute may appoint such number of other officers and employees as may be necessary for the exercise of its powers and discharge of its functions and may determine the designations and grades of such other officers and employees.

(6) Subject to such rules as may be prescribed, the Director and other officers and employees of the Institute shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, provident fund and other matters as may be specified.

Objects of  
Institute.

12. The objects of the Institute shall be

(a) to develop patterns of teaching in undergraduate and postgraduate medical education in all its branches so as to demonstrate a high standard of medical education;

(b) to bring together, as far as may be, in one place educational facilities of the highest order for the training of personnel in all important branches of health activity; and

(c) to attain self-sufficiency in postgraduate medical education to meet the country's needs for specialists and medical teachers.

Functions of  
Institute.

13. With a view to the promotion of the objects specified in section 12, the Institute may—

(a) provide for undergraduate and postgraduate teaching in the science of modern medicine and other allied sciences, including physical and biological sciences;

(b) provide facilities for research in various branches of such sciences;

(c) provide for the teaching of humanities;

(d) conduct experiments in new methods of medical education, both undergraduate and postgraduate, in order to arrive at satisfactory standards of such education;

(e) specify courses and curricula for both undergraduate and postgraduate studies;

(f) notwithstanding anything contained in any other law for the time being in force, establish and maintain

(i) one or more medical colleges with different departments, including a department of preventive and social medicine, sufficiently staffed and equipped to undertake not only undergraduate medical education but also postgraduate medical education in different subjects,

(ii) one or more well-equipped hospitals,

(iii) a dental college with such institutional facilities for the practice of dentistry and for the practical training of students as may be necessary,

(iv) a nursing college sufficiently staffed and equipped for the training of nurses,

(v) rural and urban health organisations which will form centres for the field training of the medical, dental and nursing students of the Institute as well as for research into community health problems, and

(vi) other institutions for the training of different types of health workers, such as physiotherapists, occupational therapists, pharmacists, drug analysts and medical technicians of various kinds;

(g) train teachers from different medical colleges in India;

(h) hold examinations and grant such degrees, diplomas and other academic distinctions and titles in undergraduate and postgraduate medical education as may be laid down in the regulations;

(i) institute, and appoint persons to, professorships, readerships, lectureships and posts of any description in accordance with regulations;

(j) receive grants from the Government and gifts, donations, benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators or transferors, as the case may be;

(k) deal with any property belonging to, or vested in, the Institute in any manner which is considered necessary for promoting the objects specified in section 12;

(l) demand and receive with the prior approval of the Central Government such fees and other charges as may be specified:

Provided that such fees and other charges payable by the students shall in no case exceed the fees and other charges specified by a medical Institute of the Central Government;

(m) reserve at least twenty seats out of every seventy-five seats in undergraduate courses in the institute for local applicants;

(n) provide free treatment to the poor patients in the same manner as are being provided by a medical Institute of the Central Government;

(o) construct quarters for its staff and allot such quarters to the staff in accordance with such regulations as may be made in this behalf;

(p) borrow money, with the prior approval of the Central Government, on the security of the property of the Institute;

(q) do all such other acts and things as may be necessary to further the objects specified in section 12.

**14.** The properties of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Pondicherry which vested in the Central Government shall, on the commencement of this Act, vest in the Institute.

Vesting of property.

**15.** The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as may be considered necessary by that Government for the exercise of its powers and discharge of its functions under this Act.

Payment to Institute.

**16. (1)** The Institute shall maintain a Fund to which shall be credited—

Fund of Institute.

(a) all moneys provided by the Central Government;

(b) all fees and other charges received by the Institute;

(c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(3) The Fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under section 13.

Budget of  
Institute.

17. The Institute shall prepare in such form and at such time every year a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Institute and shall forward to the Central Government such number of copies thereof as may be prescribed.

Accounts and  
audit.

18. (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may, by rules prescribe, and in accordance with such general directions as may be issued by that Government, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute as well as of the institutions established and maintained by it.

(4) The Accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

Annual report.

19. The Institute shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed and a copy of this report shall be laid before both Houses of Parliament within one month of its receipt.

Pension and  
provident funds.

20. (1) The Institute shall constitute for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be specified by regulations, such pension and provident funds as it may deem fit.

(2) Where any such pension or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to, such fund as if it were a Government Provident Fund.

19 of 1925.

Authentication of  
orders and  
instruments of  
Institute.

21. All orders and decisions of the Institute shall be authenticated by the signature of the Director or any other member authorised by the Institute in this behalf and all other instruments shall be authenticated by the signature of such officers as may be authorised by the Institute.

Acts and  
proceedings not  
to be invalidated  
by vacancies, etc.

22. No act done or proceeding taken by the Institute, Governing Body or any standing or *ad hoc* committee under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Institute, Governing Body or such standing or *ad hoc* committee.

Grant of medical  
degrees, diplomas,  
etc., by Institute.

23. Notwithstanding anything contained in any other law for the time being in force, the Institute shall have the power to grant medical, dental, nursing degrees, diplomas and other academic distinctions and titles under this Act.



102 of 1956.  
16 of 1948.  
48 of 1947.

24. Notwithstanding anything contained in the Indian Medical Council Act, 1956 the Dentist Act, 1948, the Indian Nursing Council Act, 1947, the medical degrees and diplomas, dental degrees and nursing degrees granted by the Institute under this Act shall be recognised medical qualifications for the purposes of the Acts aforesaid and shall be deemed to be included in the Schedules to the respective Acts.

Recognition of medical qualifications granted by Institute.

25. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

Control by Central Government.

26. If in, or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute arises between the Institute and the Central Government, the decision of the Central Government thereon shall be final.

Resolution of differences.

27. The Institute shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

Returns and information.

28. (1) On and from the date of commencement of this Act, every employee holding a post in the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, before that date, shall hold the post in the Institute by the same tenure, and upon the same terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such post as if this Act had not been passed and shall continue to do so as an employee of the Institute for a period of one year from the date of the commencement of this Act, unless he, within the said period of one year, opts not to be an employee of the Institute or until his tenure, remuneration or other terms and conditions of service are duly altered by the regulations:

Transfer of service of existing employees.

Provided that the officers of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry belonging to the Central Health Service, who opts to be an employee of the Institute then, his appointment, pay, allowances and other terms and conditions of service shall be such as may be prescribed.

(2) Every person, who opts not to be an employee of the Institute within the period so specified, shall be governed by the rules and orders as are applicable to the Central Government officers and employees of equivalent rank.

(3) Subject to the provisions of this section, the tenure, remuneration and other terms and conditions of service including pension of any employee of the Institute shall not be altered to his disadvantage without the previous approval of the Central Government.

29. (1) The Central Government, after consultation with the Institute, may by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Power to make rules.

Provided that consultation with the Institute, shall not be necessary on the first occasion of making of rules under this section, but the Central Government shall take into consideration the suggestions which the Institute may make in relation to the amendment of such rules after they are made.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of nomination of members under clauses (j) and (k) of sub-section (1) of section 5;

(b) the manner of filling vacancies under sub-section (8) of section 6;

(c) the powers and functions to be exercised and discharged by the President of the Institute under section 7;

(d) the allowances to be paid to the President and other members of the Institute under section 8;

(e) the control and restrictions in relation to the constitution of standing and *ad hoc* committees under sub-section (5) of section 10;

(f) the tenure of office, salaries and allowances and other conditions of service of the Director and other officers and employees of the Institute appointed by the Institute under section 11,

(g) the form in which, and the time at which, the budgets and reports shall be prepared by the Institute under section 17;

(h) the form of annual statement of accounts including balance-sheet under sub-section (1) of section 18;

(i) the form of annual report under section 19;

(j) any other matter which has to be or may be prescribed by rules.

Power to make regulations.

30. (1) The Institute with the previous approval of the Central Government may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for

(a) the summoning and holding of meetings, other than the first meeting, of the Institute, the time and place where such meetings are to be held and the conduct of business at such meetings under section 9;

(b) the manner of constituting the Governing Body and standing and *ad hoc* committees, the term of office of, and the manner of filling vacancies therein, the allowances to be paid to the members and the procedure to be followed by the Governing Body; standing and *ad hoc* committees in the conduct of their business, exercise of their powers, discharge of their functions under section 10;

(c) the powers and duties of the Director and other officers and employees of the Institute under sub-sections (3) and (4) and other conditions of service under sub-section (5) of section 11;

(d) the power of the Institute under section 13, to specify—

(i) courses and curricula for undergraduate and postgraduate studies;

(ii) hold examination and grant degrees, diplomas and other academic distinctions and titles under clause (h);

(iii) the professorships, readerships, lectureships and other posts which may be instituted and persons who may be appointed to such posts under clause (i);

(iv) the management of the properties of the Institute under clause (k);

(v) the fees and other charges which may be demanded and received by the Institute under clause (l);

(e) the manner in which, and the conditions subject to which, pension and provident funds may be constituted for the benefit of officers, teachers and other employees of the Institute under sub-section (1) of section 20;

(f) any other matter for which under this Act provisions may be made by regulations.

(2) Notwithstanding anything contained in sub-section (1), the first regulations under this Act shall be made by the Central Government; and any regulations so made may be altered or rescinded by the Institute in exercise of its powers under sub-section (1).

Laying of rules and regulations before Parliament.

31. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall

thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

**32. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provision not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section, after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.